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Crime prevention and criminal justice

Twelfth United Nations Congress on Crime Prevention and Criminal Justice

Report of the Secretary-General

Summary

The present report, to be considered in conjunction with the Report of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice (A/CONF.213/18), has been prepared pursuant to General Assembly resolution 64/180. It highlights the main features of the Twelfth Congress, including the high-level segment, the discussions on the substantive items on its agenda and the outcome of the workshops held within the framework of the Congress, as well as the adoption of the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World. The report also contains a summary of the deliberations on the conclusions and recommendations of the Twelfth Congress that took place during the nineteenth session of the Commission on Crime Prevention and Criminal Justice.

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1. The Twelfth United Nations Congress on Crime Prevention and Criminal Justice was held in Salvador, Brazil, from 12 to 19 April 2010, with pre-congress consultations held on 11 April 2010. The main theme of the Congress was "Comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world". More than 2,000 persons participated in the Congress; the participants included 73 government ministers, attorneys general and other high-level officials, in addition to other government representatives, observers for 17 inter-governmental organizations and 45 non-governmental organizations and more than 190 individual experts.

2. The broad agenda of the Congress provided a platform enabling the international community to take stock of the world crime situation and to assess its preparedness to deal with related challenges, particularly with emerging crime threats. In discussing both the substantive items of the agenda of the Congress and the topics of its workshops, the participants stressed the irreplaceable role of the United Nations and, in particular, the United Nations Office on Drugs and Crime (UNODC), in reinforcing prevention strategies, in criminal justice reform and in the fight against various forms of transnational crime. They also emphasized that crime prevention and criminal justice needed to be at the centre of efforts to promote good governance and the rule of law and achieve long-lasting and sustainable development. From this angle, the provision of technical assistance was considered important for pursuing and accomplishing tangible results with a long-term perspective in the prevention, prosecution and punishment of crime, in particular through building, modernizing and strengthening criminal justice systems.

3. An important recommendation emerging from Congress deliberations was that the United Nations standards and norms in crime prevention and criminal justice should be fully implemented and disseminated in order to ensure greater respect for the rule of law and human rights, contributing in turn to the further promotion of economic and social development. Many speakers expressed support for all initiatives aimed at reviewing and updating these standards and norms so that they can better address new challenges and needs, and at fostering their wider application by Member States. Moreover, some of the recurrent conclusions drawn from Congress discussions were related to the urgent need to address the root causes of crime and adopt comprehensive crime prevention strategies; and to the priority that crime prevention interventions should accord to the needs of victims of crime so as to reduce re-victimization and repeat offending.

4. At the Congress, and then at the nineteenth session of the Commission on Crime Prevention and Criminal Justice, it was recognized that the Congress was a unique event that combined political leverage and expertise, and served as a forum for the worldwide sharing of knowledge and exchange of experience. The importance of the conclusions and recommendations of the Congress were also recognized. Gratitude was expressed during the Congress and the nineteenth session of the Commission to the people and Government of Brazil for their warm and generous hospitality and for the excellent organization of the Congress.

5. Extensive preparations had taken place prior to the Congress. On the recommendation of the Commission, the body charged with coordinating preparations for the Congress, the General Assembly adopted its resolution 63/193, in which it approved the provisional agenda for the Congress, including the substantive items of the agenda; decided on the issues to be considered by the

workshops to be held within the framework of the Congress; and also decided that the high-level segment should be held during the last two days of the Congress.

6. In cooperation with the host Governments, the United Nations regional economic and social commissions and the United Nations crime prevention and criminal justice programme network of institutes, four regional preparatory meetings for the Twelfth Congress were held in 2009: (a) the Latin American and Caribbean Regional Preparatory Meeting, held in San José from 25 to 27 May 2009; (b) the Western Asian Regional Preparatory Meeting, held in Doha from 1 to 3 June 2009; (c) the Asian and Pacific Regional Preparatory Meeting, held in Bangkok from 1 to 3 July 2009; and the African Regional Preparatory Meeting, held in Nairobi from 8 to 10 September 2009.[1]

7. Pursuant to General Assembly resolution 63/193, a discussion guide (A/CONF.213/PM.1) was prepared by the Secretariat in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network of institutes, to better frame the pre-Congress discussions held within the regional groups and enable those discussions to produce concrete results.

8. The Congress was convened in accordance with paragraph (d) of the annex to General Assembly resolution 415 (V), which provided for the convening every five years of an international congress in the field, as well as in pursuance of Assembly resolutions 46/152, annex, 56/119, 62/173, 63/193 and 64/180.

9. In conformity with the practice followed at United Nations special conferences and with General Assembly resolution 56/119, pre-Congress consultations were held on 11 April 2010. Participation in the consultations was open to representatives of all States invited to the Congress. A number of recommendations on the organization of work of the Congress were agreed upon in the course of the consultations.

10. The Congress had before it a report of the Secretary-General on the state of crime and criminal justice worldwide (A/CONF.213/3), prepared pursuant to General Assembly resolution 64/180 and in accordance with past practice. The report highlighted the challenges faced in measuring the nature and extent of crime and the response of criminal justice systems. The representative of UNODC who introduced the report at the Congress noted that current UNODC priorities for crime measurement included specific forms of transnational organized crime, the crime of intentional homicide and acts of corruption. In this regard, the UNODC representative highlighted that the information that Member States regularly shared with the international community through the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems was crucial for effective policy and operational responses at the international level.

11. In accordance with General Assembly resolution 63/193, the high-level segment of the Congress was held to allow Heads of State or Government and Government ministers to focus on the main substantive agenda items of the Congress. The Government ministers and other high-level Government officials who participated in the high-level segment highlighted the opportunity that the

[1] For the reports of the regional preparatory meetings, see A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1.

Congress presented for the international community to provide a strategic orientation for developing tools for the prevention of crime and the prosecution and punishment of offenders. They also underscored the importance of integrating measures to tackle crime with initiatives on sustainable development, human rights, social inclusiveness, the rule of law and good governance. In this vein, participants emphasized that crime prevention and criminal justice needed to be central to good governance and the rule of law. Preventing crime and ensuring efficient criminal justice systems were also regarded as preconditions for a stable and prosperous global economy. The role of education and training as a means of capacity-building in the criminal justice system was further highlighted. A significant number of participants drew attention to the global problem of overcrowding in prisons and called for the increased use of alternatives to detention and of restorative justice programmes to replace exclusively punitive responses to crime. Speakers also discussed an array of initiatives relating to juvenile justice, as well as measures designed to discourage youth crime and address juvenile delinquency in a holistic and comprehensive manner. Speakers called for comprehensive crime prevention strategies to combat crime directly at its roots. Furthermore, speakers strongly condemned all forms of violence against women, including violence against women migrant workers, and called on the international community to prevent such crimes and prosecute and punish the perpetrators in accordance with national legislation. In addition, the threats posed by the misuse of new technologies, including cybercrime, were stressed and measures to address those threats effectively were discussed. In underlining the growing links between drug trafficking, organized crime, trafficking in human beings, corruption and money-laundering, speakers highlighted that international cooperation in criminal matters must be further enhanced.

12. The Congress considered the following substantive items of the agenda:

(a) Children, youth and crime;

(b) Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism;

(c) Making the United Nations guidelines on crime prevention work;

(d) Criminal justice responses to the smuggling of migrants and trafficking in persons: links to transnational organized crime;

(e) International cooperation to address money-laundering based on relevant United Nations and other instruments;

(f) Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime;

(g) Strengthening international cooperation in fighting crime-related problems: practical approaches;

(h) Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families.

13. For its consideration of those items, the Congress had before it the relevant working papers (A/CONF.213/4, A/CONF.213/5, A/CONF.213/6, A/CONF.213/7, A/CONF.213/8, A/CONF.213/9, A/CONF.213/10 and A/CONF.213/11), as well as

the discussion guide prepared by the Secretariat and the reports of the regional preparatory meetings. The conclusions and recommendations made by the Congress under each of those agenda items are included in the report of the Congress (A/CONF.213/18, chap. V).

14. In accordance with General Assembly resolution 63/193, workshops were organized, with the assistance of the institutes of the United Nations crime prevention and criminal justice programme network, on the following topics:

(a) International criminal justice education for the rule of law;

(b) Survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system;

(c) Practical approaches to preventing urban crime;

(d) Links between drug trafficking and other forms of organized crime: international coordinated response;

(e) Strategies and best practices against overcrowding in correctional facilities.

15. For its consideration of those items, the Congress had before it the relevant background documents (A/CONF.213/12, A/CONF.213/13, A/CONF.213/14, A/CONF.213/15 and A/CONF.213/16), as well as the discussion guide prepared by the Secretariat and the reports of the regional preparatory meetings. The conclusions and recommendations of the workshops are contained in the report on the Congress (A/CONF.213/18, chap. VI).

16. In addition, 82 ancillary meetings were held during the Congress covering a variety of topics. Of the ancillary meetings, 18 were sponsored by United Nations entities; 10 were sponsored by institutes of the United Nations crime prevention and criminal justice programme network; 8 were sponsored by the Government of Brazil and Brazilian non-governmental organizations; and several were co-sponsored by Member States. The ancillary meetings as a whole indicated a high interest by civil society in crime prevention and criminal justice issues, as well as the significant potential for its greater and more coordinated involvement in designing comprehensive and inter-disciplinary approaches to crime-related challenges.

17. In line with General Assembly resolution 64/180 and in order to facilitate the preparation of the draft declaration, informal consultations were held in Vienna on 11 December 2009, from 9 to 12 February 2010, on 15 February 2010, and from 22 to 24 March 2010 under the leadership of Julio Cezar Zelner Gonçalves, Permanent Representative and Ambassador of Brazil to the United Nations (Vienna). The draft declaration used as a working document during those consultations was based on the content of the discussion guide, the reports of the four regional preparatory meetings for the Congress (including the recommendations contained in the reports), the working papers on the substantive items of the provisional agenda for the Twelfth Congress and the background papers on the topics of its five workshops. The version of the draft declaration that resulted from the consultations was made available online in March 2010. After it had been processed and translated so that it was available in the six official languages of the United Nations, it was used as the basis of negotiations at the Twelfth Congress.

18. In accordance with paragraph 2 (h) of General Assembly resolution 56/119, the Twelfth Congress adopted at its closing meeting on 19 April 2010 the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and their Development in a Changing World, as orally amended (A/CONF.213/18, chap. I, resolution 1). The Salvador Declaration reflects the political will of the international community to define common strategies in addressing sensitive aspects and emerging challenges in the field of crime prevention and criminal justice. Some of the most important issues dealt with in that declaration, included the following:

(a) Further work required on action against cybercrime through the establishment of an open-ended intergovernmental expert group (para. 42);

(b) The need to better protect the rights of prisoners and the conclusion reached that consideration of a draft convention on the treatment of prisoners was still premature, although the Commission was invited to consider convening an open-ended intergovernmental expert group to exchange information on the possible revision of the United Nations standard minimum rules for the treatment of prisoners (para. 49);

(c) The recognition of the need to adopt measures on the challenge posed by emerging forms of crime that have a significant impact on the environment (para. 14);

(d) The need to respond effectively to cases of violence against migrants, migrant workers and their families (para. 38);

(e) The recognition of the central role of the UNODC in helping Member States upgrade their capacity to prevent and suppress various types of crime through technical assistance, as well as the emphasis on the serious need to provide UNODC with the resources that would enable it to perform its functions in a more effective manner; and the appeal to Member States to fully implement the technical assistance provisions of the United Nations Convention against Transnational Organized Crime[2] and the Convention against Corruption, including by giving special consideration to contributing, in accordance with their national law and the provisions of those Conventions, a percentage of the proceeds of crime confiscated under each Convention to fund technical assistance through UNODC (para. 25).

19. Pursuant to rule 52 of its rules of procedure, the Twelfth Congress adopted a report containing the Salvador Declaration, the conclusions and recommendations of the Congress on the various substantive items of its agenda and the outcome of the workshops, as well as a brief account of the events leading up to the Congress, the proceedings, including a summary of the substantive work conducted by the plenary and the committees, a summary of the proceedings of the high-level segment and an account of the action taken.

20. In its resolution 64/180, the General Assembly requested the Commission to give high priority, at its nineteenth session, to considering the conclusions and recommendations of the Twelfth Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the Assembly at its sixty-fifth session. Accordingly, the relevant discussions of the Commission were

[2] United Nations, *Treaty Series*, vol. 2225, No. 39574.

focused on possible ways and means of translating into practice the political content of the Salvador Declaration. Speakers also discussed possible avenues to improve the preparation and organization of future Congresses, including further discussion on the relation between the Congress and the Commission in light of their different constituencies. Some speakers raised issues such as the determination of topics for consideration and the organization of work, and advocated that the agenda items could be structured differently to allow for more focused and interactive discussions. Enhancing the role of the high-level segment to optimize the participation of high-level officials and the process of drafting the outcome declaration were also underlined. It was recommended that preparations for the next congress should be undertaken at least a year earlier than current practice to ensure an optimal outcome.

21. Pursuant to General Assembly resolution 64/180, the Commission recommended that the Economic and Social Council approve for adoption by the Assembly a draft resolution entitled "Twelfth United Nations Congress on Crime Prevention and Criminal Justice",[3] in which the Assembly would endorse the Salvador Declaration adopted by the Twelfth Congress; invite Governments to take into consideration the Declaration and the recommendations adopted by the Congress when formulating legislation and policy directives and to make all efforts, where appropriate, to implement the principles contained therein; and invite Member States to identify areas where further tools and training manuals based on international standards and best practices would be needed. Should it adopt the draft resolution, the Assembly would request the Secretary-General to seek proposals by Member States for ways and means of ensuring appropriate follow-up to the Declaration for consideration and action by the Commission at its twentieth session. The Assembly would welcome the prompt consideration and action by the Commission on a number of issues contained in the Declaration, including those addressed in separate resolutions considered and approved by the Commission at its nineteenth session, such as violence against migrants, migrant workers and their families (para. 38 of the Declaration), emerging forms of crime that have a significant impact on the environment (para. 14 of the Declaration) and international cooperation in criminal matters (para. 21 of the Declaration).

22. The Assembly would request the Commission to establish, in line with paragraph 42 of the Salvador Declaration, an open-ended intergovernmental expert group, to be convened prior to the twentieth session of the Commission, to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime. The Assembly would also request the Commission to establish, in line with paragraph 49 of the Salvador Declaration, an open-ended intergovernmental expert group, to be convened between the twentieth and twenty-first sessions of the Commission, to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United

[3] *Official Records of the Economic and Social Council, 2010, Supplement No. 10* (E/2010/30), chap. I, sect. A.

Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps. In that regard, the Assembly would request the open-ended intergovernmental expert groups mentioned above to report to the Commission on progress in their work.

23. In that same draft resolution, the General Assembly would request UNODC, in the development and implementation of its technical assistance programmes, to aim for sustainable and long-lasting results in the prevention, prosecution and punishment of crime, in particular by building, modernizing and strengthening criminal justice systems, as well as promoting the rule of law, and to design such programmes to achieve those aims for all components of the criminal justice system, in an integrated way and with a long-term perspective, increasing the capacity of requesting States to prevent and suppress the various types of crime affecting society, including organized crime and cybercrime; and to continue to provide technical assistance to facilitate the ratification and implementation of the Organized Crime Convention, the Convention against Corruption and the international instruments related to the prevention and suppression of terrorism. In addition, the Assembly would request the Commission to consider at its twentieth session options to improve the efficiency of the process of the United Nations congresses on crime prevention and criminal justice, taking into account the recommendations made by the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice, at its meeting held in Bangkok from 15 to 18 August 2006.[4] The Assembly would welcome with appreciation the offer of the Government of Qatar to act as host of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015.

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[4] E/CN.15/2007/6.